

REMARKS

As a preliminary matter, Figs. 1 and 2 are objected to because they do not include the legend --Prior Art--. Applicant submits corrected Figs. 1 and 2, thereby including the legend --Prior Art-- thereon.

Also, the drawings are objected to because reference number 16, as illustrated in Fig. 1, is not described in the specification. Applicant amends the specification, as indicated herein, to make reference to reference number 16 in Fig. 1.

Figs. 4 and 5 also are objected to for the reasons set forth on page 2 of the Office Action. Applicant submits the enclosed corrected and replacement drawings, and Applicant believes that these drawings obviate the Examiner's objections to Figs. 4 and 5.

Claims 1-10 are all the claims pending in the application. Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Bauchot (U.S. Patent No.: 5,970,062). Claims 2, 4, 7, and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bauchot in view of Kalliokulju et al. (U.S. Patent No.: 6,553,006). Finally, claims 3 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bauchot in view of Kalliokulju and Montpetit (U.S. Patent No.: 6,366,761).

§ 102(e) Rejections (Bauchot) - Claims 1, 5, 6, and 10

Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Bauchot (U.S. Patent No.: 5,970,062). Applicant traverses the rejections of claim 1, 5, 6, and 10 over Bauchot at least based on the following reasons.

To anticipate a claimed invention, a single reference must teach each and every limitation of the claimed invention. In the present instance, with respect to independent claim 1, Applicant

amends independent claim 1 for clarification purposes, as indicated herein, and submits that Bauchot does not teach or suggest at least “receiving a transmission rate corresponding to a desired Contention Free Period of data to be transceived from said at least one wireless communication terminal,” as recited in claim 1. Although somewhat confusing, the Examiner appears to allege on page 4, paragraph (b) of the Office Action that receiving a transmission rate would inherently relate to a mobile terminal request corresponding to a particular bandwidth. Applicant submits, in response, that nowhere does Bauchot teach or suggest at least that a transmission rate is received, as set forth in claim 1. Even if, *assuming arguendo*, Bauchot teaches that bandwidth reservation requests are generated, nowhere does Bauchot teach or suggest “receiving a transmission rate ...,” as recited in claim 1. Therefore, receiving a transmission rate is NOT inherent in a bandwidth reservation request.

Further, with respect to independent claim 1, Applicant submits that Bauchot does not teach or suggest at least “adjusting a rate of Contention Free Period occupancy of said at least one wireless communication terminal in the fixed bandwidth, based on the received transmission rate,” as recited in claim 1. The Examiner cites col. 6, lines 34-40, col. 8, lines 14-20, and col. 9, lines 30-48, to support the assertion that the above-quoted step of claim 1 is disclosed in Bauchot. However, nowhere does Bauchot even mention adjusting a rate of Contention Free Period occupancy of the terminal in the bandwidth, based on the received transmission rate. Yet further, nowhere does Bauchot even mention that an adjustment is made to anything related to a Contention Free Period occupancy. Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over Bauchot.

Applicant submits that dependent claim 5 is patentable at least by virtue of its dependency from independent claim 1.

Further, with respect to claim 5, Applicant submits that Bauchot does not teach or suggest at least the limitation “associating said at least one wireless communication terminal to the Access Point after adjusting a ratio of the Contention Free Period to Contention Period,” as recited in claim 5. That is, as similarly argued above with respect to claim 1, nowhere does Bauchot mention that an adjustment is made to anything related to a Contention Free Period occupancy.

With respect to independent claim 6, Applicant submits that Bauchot does not teach or suggest at least “period adjusting means for adjusting a rate of a Contention Free Period occupancy of said at least one wireless communication terminal in the bandwidth, based on the received transmission rate,” as recited in claim 6.¹ That is, similar to the argument above with respect to claim 1, nowhere does Bauchot teach or suggest adjusting a rate of a Contention Free Period. Therefore, at least based on this reason, Applicant submits that independent claim 6 is patentably distinguishable over Bauchot.

With respect to dependent claim 10, Applicant submits that this claim is patentable at least by virtue of its dependency from independent claim 6. Further, Applicant submits that claim 10 is patentable for reason similar to those set forth above with respect to the features disclosed in claim 5.

¹ The Examiner cites the same portions of Bauchot as set forth with respect to the features of claim 1.

§ 103(a) Rejections (Bauchot / Kalliokulju) - Claims 2, 4, 7, and 9

Claims 2, 4, 7, and 9 are rejected under 35 U.S.C. 103(a) for the reasons set forth on pages 7-9 of the present office action. Applicant traverses the rejections of these claims at least based on the following reasons.

First, Applicant submits that dependent claims 2, 4, 7, and 9 are patentable at least by virtue of their respective dependencies from independent claims 1 and 6.

Also, Applicant submits that one skilled in the art would NOT have been led to combine Bauchot with Kalliokulju, to arrive at the present invention. That is, Bauchot is directed to establishing wireless access to an ATM network, while, on the other hand, Kalliokulju is directed to data transmission connection between a wireless communication device and a mobile communication network. Nowhere does Kalliokulju even mention asynchronous transfer mode (ATM) or this type of network in its disclosure. Therefore, because the inventions of the two different references relate to two different types of environments, Applicant submits that one skilled in the art would not have been led to combine the disclosure of one reference with the other.

Therefore, at least based on the foregoing, Applicant submits that claims 2, 4, 7, and 9 are patentable over Bauchot and Kalliokulju.

§ 103(a) Rejections (Bauchot / Kalliokulju / Montpetit) - Claims 3 and 8

Claims 3 and 8 are rejected under 35 U.S.C. § 103(a) for the reasons set forth on pages 9-11 of the present office action. Applicant traverses the rejections of these claims at least based on the following reasons.

First, Applicant submits that dependent claims 3 and 8 are patentable at least by virtue of their respective dependencies from independent claims 1 and 6, respectively.

Further, Applicant submits that one skilled in the art would NOT have been led to combine Bauchot with Kalliokulju, for the reasons set forth in the section above. Furthermore, Applicant submits that one skilled in the art would NOT have been led to combine Montpetit with Bauchot and/or Kalliokulju, absent impermissible hindsight reasoning in view of the present application. That is, Montpetit is directed to a data communication system and method that allocates an amount of bandwidth to a ground terminal for uplink transmission of one or more data packets in a low-Earth-orbit (LEO) satellite data communication network. In comparison, the other applied references, Bauchot and Kalliokulju, do not even mention or contemplate data communications in a satellite data communication network. Therefore, because the applied references are each directed to different types of communications networks that have unrelated issues and problems that need to be overcome, Applicant submits that one skilled in the art would NOT have been led to combine the references that are applied against the claimed invention.

Therefore, at least based on the foregoing, Applicant submits that claims 3 and 8 are patentably distinguishable over the applied references, either alone or in combination.

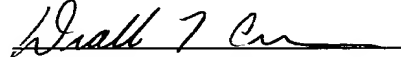
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO.: 09/915,766

ATTORNEY DOCKET NO. Q63182

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Diallo T. Crenshaw
Registration No. 52,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 24, 2004



FIG.1 PRIOR ART

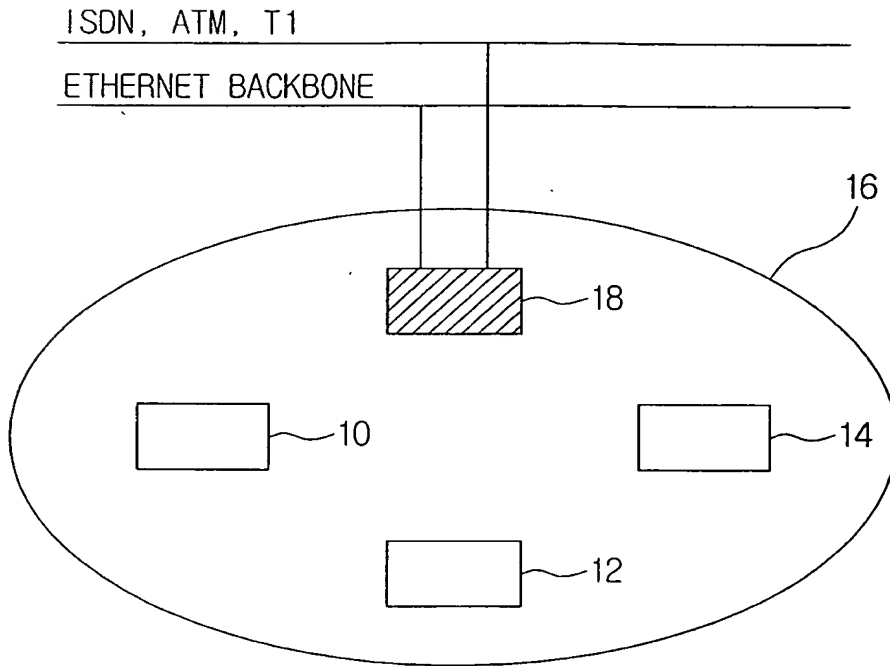


FIG.2 PRIOR ART

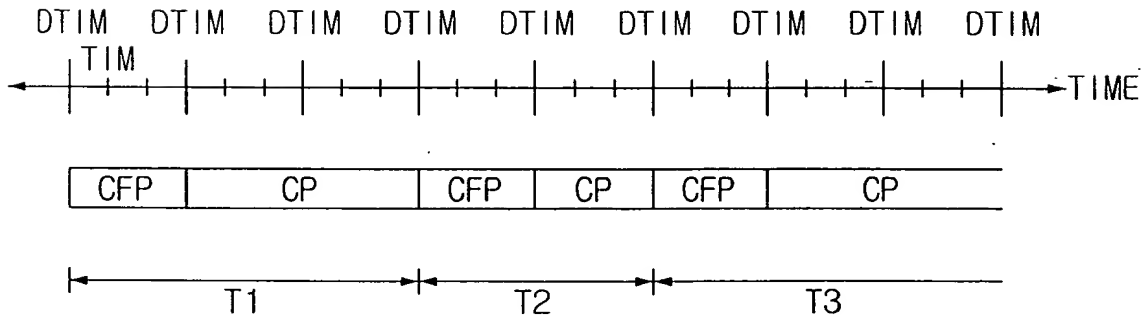




FIG.4

